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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 HOWARD REECE, an individual

No.: 3:07-cv-01520-SC

16 Plaintiff,

17 vs.
18 STIPULATION AND [PROPOSED]
19 ORDER STAYING PROCEEDINGS
and DOES 1 through 50, inclusive.
and PENDING TRANSFER TO *IN RE VIOXX*
PRODUCTS LIABILITY LITIGATION, MDL
NO. 1657

20 Defendants.

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1 The parties, by and through their counsel, stipulate to and respectfully request a stay
 2 of all proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
 3 *Litigation, MDL No. 1657.*

4
 5 Plaintiff alleges personal injuries attributed to the prescription drug Vioxx®.
 6 Defendant Merck & Co., Inc. ("Merck") manufactured and distributed Vioxx, but voluntarily
 7 withdrew Vioxx from the market on September 30, 2004.

8
 9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued
 10 an order transferring 148 Vioxx-related cases to the United States District Court for the Eastern
 11 District of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. Merck intends
 12 to seek the transfer of this action to that Multidistrict Litigation, *In re VIOXX Products Liability*
 13 *Litigation, MDL No. 1657*, and will provide the JPML with notice of this action pursuant to the
 14 procedure for "tag along" actions set forth in the rules of the JPML. A stay will potentially
 15 conserve judicial resources and will not cause unfair prejudice to the parties. See *Rivers v. Walt*
 16 *Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action
 17 would further judicial economy because "any efforts on behalf of this Court concerning case
 18 management will most likely have to be replicated by the judge that is assigned to handle the
 19 consolidated litigation").

20
 21 Based on the foregoing, the parties respectfully request that the Court stay this action
 22 pending its transfer to MDL No. 1657.

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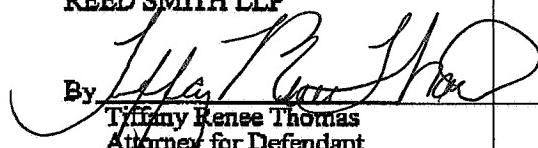
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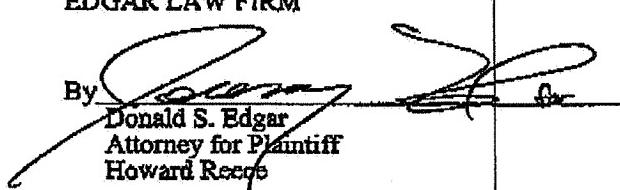
1 DATED: APR 21 2007
2

3 REED SMITH LLP
4

5 By 
Tiffany Renee Thomas
Attorney for Defendant
Merck & Co., Inc.

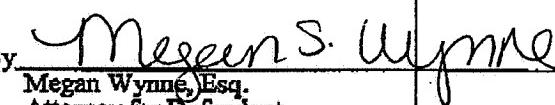
6 DATED: March 5 2007
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8 EDGAR LAW FIRM
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10 By 
Donald S. Edgar
Attorney for Plaintiff
Howard Rees

11 DATED: March 2007
12 April
13

14 MORRIS POLICH & PURDY
15

16 By 
Megan Wynne, Esq.
Attorney for Defendant
McKesson Corp.

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A limited liability partnership based in the State of Delaware

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ORDER

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4 Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO
5 ORDERED.

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7 DATED: 4/5/07



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A limited liability partnership registered to do business in the State of Delaware

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, Two Embarcadero Center, Suite 2000, San Francisco, CA 94111-3922. On April 3, 2007, I served the following document(s) by the method indicated below:

**STIPULATION AND [PROPOSED] ORDER STAYING PROCEEDINGS PENDING
TRANSFER TO *IN RE VIOXX PRODUCTS LIABILITY LITIGATION*, MDL NO. 1657**

- by transmitting via facsimile on this date from fax number 415.391.8269 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct. 2003(3).
 - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
 - by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
 - by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below.
 - by transmitting via email to the parties at the email addresses listed below:

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Megan S. Wynne, Esq.
Morris Polich & Purdy LLP
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Los Angeles, CA 90017

Attorney for Defendant McKesson Corporation

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 3, 2007, at San Francisco, California.

Donna Boria
Donna Boria